

HOUSE BILL 2491
By DeBerry L

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 13, to enact the "Prohibition of Female Genital Mutilation Act of 1996".

WHEREAS, an estimated one hundred million (100,000,000) girls and women around the world have undergone female genital mutilation, which takes different forms in different countries, including the cutting of the hood of the clitoris (circumcision), the removal of the entire clitoris (excision), or the removal of all external genitalia and the stitching together on the vulva (infibulation); and

WHEREAS, at least two million (2,000,000) girls every year are at risk of suffering from female genital mutilation, which is generally performed without anesthetic, and often results in lifelong consequences including chronic infection, severe pain during urination, menstruation, sexual intercourse and childbirth, and indelible psychological trauma; and

WHEREAS, female genital mutilation is defended by both men and women in the cultures where it is practiced as a rite of passage and a social prerequisite of marriage as well as a method to control a woman's sexuality; and

WHEREAS, while female genital mutilation is prevalent in many African and Middle Eastern countries, it also is found in some Asian countries and among immigrant populations in Western Europe and North America; and

WHEREAS, due to the immigration of people from countries where female genital mutilation is practiced, the mutilation has continued to take place in the United States. Usually the immigrants will either send their daughters back to the native country to have female genital

mutilation performed or a group of them will pay to bring a midwife to the United States to perform the painful procedure on their young daughters; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The title of this act is, and may be cited as the "Prohibition of Female Genital Mutilation Act of 1996".

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following new section:

(a) Except as otherwise permitted in subsection (b), whoever knowingly circumcises, excises, or infibulates in whole or in part, the labia majora, labia minora, or clitoris of another commits a Class D felony. Consent to the procedure by a minor on whom it is performed or by the minor's parent is not a defense to a violation of this section.

(b) A surgical procedure is not a violation of subsection (a) if the procedure:

(1) is necessary to the health of the person on whom it is performed and is performed by a licensed physician or physician in training under supervision of a licensed physician; or

(2) is performed on a person who is in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a licensed physician or a physician in training under the supervision of a licensed physician.

SECTION 3. This act shall take effect July 1, 1996, the public welfare requiring it.

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